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**MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST**

In re: Medical Examiner's Office/      Complaint No. 10-7

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

Duane Walker ("Complainant") filed the above-captioned complaint against Drs. Hyma, Lew and Ignacio ("Respondents") of the Medical Examiner's Office. The complaint alleged the Respondents improperly harvested the organs of a homicide victim and failed to retrieve and maintain the body fluids necessary for independent testing by the complainant.

The complainant's son, Malique Jean-Baptiste ("Jean-Baptiste"), was injured in 2000. According to the police and medical reports, the two-year old child suffered extensive injuries including broken ribs, head trauma and internal bleeding. The complainant was present at the time of the incident and informed the police that a television accidentally fell on Jean-Baptiste.

Shortly thereafter, Jean-Baptiste was declared brain dead and placed on life support in order to maintain the viability of his organs for harvesting. The life support

was removed nine hours later and an autopsy was conducted. After the autopsy, Jean-Baptiste's mother gave permission for harvesting of the organs.

The complainant was indicted for second-degree murder and aggravated child abuse. The complaint alleged the Respondents conducted tests of the bodily fluids from the time Jean-Baptiste was admitted rather than postmortem. Due to the fact that fluids were not tested postmortem, the complainant has been unable to determine whether Jean-Baptiste died from the initial injuries or as a result of an adverse reaction to drugs administered at the hospital.

Finally, the complaint alleged the Respondents' actions violated several sections of the Florida Statutes including tampering with a body and obstruction of justice. On February 25, 2010, the Ethics Commission found the complaint legally insufficient because the events took place in 2000. The Ethics Commission may not consider any matter that occurred more than three years prior to the filing of the complaint. Therefore, after reviewing the complaint and being otherwise advised in the premises, the Ethics Commission dismissed the complaint for lack of jurisdiction because the complaint fell outside the statute of limitations. Therefore it is:

**ORDERED AND ADJUDGED THAT** the Complaint is

**DISMISSED** for lack of jurisdiction.

**DONE AND ORDERED** by the Miami-Dade County Commission  
on Ethics and Public Trust in public session on February  
25, 2010.

**MIAMI-DADE COUNTY COMMISSION  
ON ETHICS AND PUBLIC TRUST**

By:

A handwritten signature in black ink, appearing to read 'Kerry Rosenthal', written over a horizontal line.

Kerry Rosenthal  
Chairperson

cc: Duane Walker  
Dr. Bruce Hyma  
Dr. Emma Lew  
Dr. Susan Ignacio